



Frequently Asked Questions on Manhaj : Part 24

Introduction

All Praise is due to Allaah, we praise Him, seek His aid and His Forgiveness. We seek refuge in Allaah from the evils of our souls and the evils of our actions. Whomsoever Allaah guides there is none to misguide and whomsoever Allaah misguides there is none to guide. I bear witness that there is none worthy of worship except Allaah, alone, without any partners and I bear witness that Muhammad is His servant and messenger.

This is a summarisation of some of the issues of manhaj that have been subject to contention in the current times. The detailed answers and proofs on all the issues addressed in this series can be found on the articles at Www.Salafipublications.Com that are related to these matters. This series is aimed at quickly identifying the issues in a brief, yet concise manner, for the benefit of those who may be unaware of these affairs.

Question 33: Can you explain a bit more about this difference amongst Ahl us-Sunnah on the one who rules by the secular laws in all or most affairs, and then between Ahl us-Sunnah and the Hizbiyyoon (Partisans)?

As we mentioned in the previous answer, there are three groups that one need to be aware of. Two of which are agreed upon all matters concerning manhaj, but there is a difference concerning a specific type of ruling by other than what Allaah has revealed and which is sometimes referred to as "istibdaal" (replacement) or "tabdeel" (changing, distorting) and tashree' aamm (general legislation). In reality, these terms are highly ambiguous and can point to different meanings – and sometimes these terms are used with the incorrect meanings (such as "tabdeel" for example). Anyhow, the reality that is being referred to is the case of a ruler who rules by the secular law in everything, or almost everything, whether these laws are from his own making or not.

So concerning this one group of scholars (Ibn Baaz, Ibn Uthaimaan, al-Albaani and others) hold that the tafseel of the Salaf applies to this situation, since whether a ruler judged once or a hundred times, or whether he judged to this law on one occasion or a hundred occasions, then that does not indicate Istihlaal, or Juhood or that he considers this law to be equal or better than Allaah's Law. And that in all of that, it makes no difference whether it was a secular law from the British or French, or whether he devised it himself – and then ruled the people with it.

Shaikh Ibn Uthaimeen said, "...then built upon this, our ta'weel (explanation of this verse [5:44]) is based upon what has been mentioned, that we judge that ruling by other than what Allaah has revealed is not the kufr that expels from the religion. However, it is the kufr of action, since the haakim, by committing this, has deviated from the correct way. And it is not to be differentiated in any of that between a man who takes a secular law (qaanoon wad'iyy) from others and then makes it a referent point for judgement in his

state (yuhakkimuhu fee dawlatihi), and between one who devises his own law (qaanoon), and then puts this secular law in place. Since, the most important thing is: Does this law oppose the Heavenly Law or not?" (Fitnat ut-Takfir, p.78, of Shaikh al-Albani, compiled by Shaikh Ali Hasan, originally from the Shaikh's commentary upon the Fitnah of Takfir, on cassette).

Hence, these scholars refer this situation back to the tafseel of the Salaf, and do not consider the likes of this to be from the major kufr. And they require that a ruler make Istihlaal or claim that what he is ruling by is better than or equal to Allaah's Sharee'ah. In other words the tafseel of the Salaf extends and applies to this situation, whether he rules by secular laws or those of his own making, whether he does that in one issue or a hundred issues.

Another group of scholars (like Shaikh Salih al-Fawzaan, Shaikh Ibn Ibreaheem and others) consider the ruler in this situation to have fallen into major kufr, built upon their view that a ruler can only have chosen to rule by these laws (in the manner that he did, i.e. in all or most instances) if he considered them to be better than the Sharee'ah laws. So they hold that this outward act is a conclusive indicator of the underlying beliefs that necessitate kufr. So built upon this they say that this act is major kufr. Note that the way in which they arrive at their position – it is still based upon the tafseel of the Salaf. In other words, built upon the tafseel of the Salaf this act is major kufr. And the reality of the difference between this group and first group is on whether this act conclusively indicates that which necessitates kufr, such as Istihlaal, Juhood, or aspects of belief that necessitate kufr.

Then there is a third group, and they are the Qutubiyyah, Takfeeriyyah, Surooriyyah and their likes. And in reality they have arrived at their position on this issue based upon their being influenced by the extremism and absolution of Sayyid Qutb. So to them, this act is major kufr absolutely, and they treat this act, just like those acts which are major kufr by textual proof and ijmaa' such as kicking the Qur'aan and reviling Allaah and reviling the Prophet (sallallaahu alaihi wasallam). Hence, any attempt to adhere to the tafseel of the Salaf on this issue is Irjaa' to these people.

The difference between the first and the third group is about whether the act is major kufr or not. The difference between the second and third group is the way in which the judgement of major kufr (upon the act) is arrived at. Regardless, according to the third group (i.e. the Qutubiyyah), both of the above two groups have fallen into Irjaa'. This is because, according to the Qutubiyyah, even though the second group hold the act to be major kufr, the manner in which they arrive at takfir of the act (according to the Qutubiyyah) is itself representative of Irjaa' – this is because in the view of the Qutubiyyah, any attempt to link the act being treated as major kufr to the kufr of belief in the heart, is Irjaa'. Hence, in reality their position necessitates that all of our scholars – those who hold that ruling by the secular laws in greater or lesser amounts is not major kufr and those who hold it is major kufr – are all upon Irjaa' in the affairs of Takfir and Kufr. Many people are not aware of this reality, and great confusion and misguidance is feared for them.

In reality, the third group (the biased activist partisans), when they saw the opportunity to confuse Ahl us-Sunnah and cause turmoil amongst them, they monopolised upon this difference, and used it to confuse and beguile Ahl us-Sunnah – while concealing the fact that they are actually upon the da'wah of Sayyid Qutb, Mohammad Qutb, Safar al-Hawali, al-Awdah, Abu Jahl Ibn Haleemah and others.

Question 34: What about the verdict of the Permanent Committee on al-Anbari's book and also Shaikh Salih al-Fawzaan's criticisms of al-'Anbari

It should firstly be noted that the previous Permanent Committee, while Imaam Ibn Baaz was the chair, issued numerous verdicts which are in perfect agreement with the view of al-'Anbari himself – and these have been presented elsewhere. Secondly, it should be noted that the view of Imaam Ibn Baaz, Imaam al-Albaani, Imaam Ibn Uthaimeen and many others is the actual view of al-Anbari himself.

As for Shaikh Salih al-Fawzaan's criticism of al-'Anbari then it is from two angles. The first is based upon Shaikh Salih al-Fawzaan's belief that al-Anbari restricts the kufr of the one who rules by other than what Allaah has revealed (by ruling by the secular laws in greater or lesser amounts) to Juhood only, (i.e. rejecting the judgement of Allaah as a matter of belief). And the second, based upon his observation that al-'Anbari does not speak of what the Shaikh calls "al-Istibdaal at-Taamm", or in other words, totally replacing Sharee'ah laws with secular laws in their entirety, that this is major kufr because the one who falls into it considers the non-Islamic law to be superior, and that al-Anbari did not discuss it or explain it.

Shaikh Salih al-Fawzaan said (in his critique of al-Anbari), "I say: the kufr of the one who does not rule by what Allaah has revealed, is not restricted to juhood, rather it also applies to complete replacement (bal, yatanaawal al-istibdaala at-taamm), and likewise, the one who makes istihlaal of this action, even if only in some laws, and without him making juhood, or if he says: the judgement of other than Allaah is better than the judgement of Allaah, or if he says: that they are both equal, as the people of knowledge have textually stated (concerning this). Until even if he said, that the judgment of Allaah is better, but it is permissible to judge by other than it..." (Majallat ud-Da'wah no. 1749 4th Rabee ul-Awwal 1421)

Shaikh Salih al-Fawzaan also said, "This tabdeel that you have mentioned and which is kufr by Ijmaa' of the Muslims does not exist, but it is something that is assumed by you, none of the rulers of today speak of it and nor in the past, but there is istibdaal, and this is choosing the secular laws as a replacement to the Islamic Sharee'ah, and abolishing the Sharee'ah law courts, and this is kufr also. This is because, the ruler completely abolishes (yunahheehaa nihaa'iyyan) the Sharee'ah, and puts in its place secular laws. So what then remains of Islaam? And he did not do this except that he adopts these laws while he considers them to be superior to the Sharee'ah." (Majallat ud-Da'wah no. 1749 4th Rabee ul-Awwal 1421)

As for the first angle, then al-'Anbari makes takfir of the one who rules by other than what Allaah has revealed on account of Juhood, Istihlaal, I'tiqaad and does not restrict it to Juhood alone – and this is manifestly clear from al-'Anbari's writings and his book under question. If al-'Anbari had restricted the kufr in this example to be only due to Juhood and nothing else, then this would have been a shade of Irjaa'. But the reality is otherwise. And if al-'Anbari had indeed done so, we would have not hesitated in supporting the accusation of Irjaa' - hence, this is not a matter of taqleed!! But the affair is not like that, and al-Anbari is cleared of Irjaa'.

Secondly, irrespective of the terms used (Istibdaal, Tabdeel, Tashree' Aaamm), the reality that is being pointed to, which is that of ruling by the secular laws, in greater or lesser amounts, then al-Anbari's view is that of the three Imaams (Ibn Baz, al-Albani, Ibn Uthaimeen) who refer the matter back to Istihlaal and I'tiqaad – adhering to the tafseel of the Salaf.

Thirdly, the angle that Shaikh Salih al-Fawzaan is coming from, is different to the angle of the Takfiris and Qutubis. For Shaikh Salih al-Fawzaan believes al-'Anbari restricts the kufr of the one who rules by other than what Allaah has revealed to predominantly Juhood only¹. And had this been a correct assertion, we would have supported Shaikh Salih al-

¹ And this is because al-'Anbari, in the course of his refutation of the Takfiris, predominantly speaks of their unrestricted takfir in the absence of Juhood and Istihlaal, which is a known reality. However, he also speaks of takfir by way belief in the superiority of the secular laws, quoting the well known statement of Imaam Ibn Baaz:

"And whoever ruled by other than what Allaah has revealed (i.e. the secular laws) then he will not be in other than one of four situations:

- 1) The one who says: 'I rule by this because it is superior to the Sharee'ah of Islaam.' Such a one is disbeliever in the sense of the major disbelief
- 2) The one who says: 'I rule by this because it is like the Sharee'ah of Islaam, so ruling by it is permissible and ruling by the Sharee'ah is permissible'. Such a one is a disbeliever in the sense of the major disbelief.
- 3) The one who says: 'I rule by this and ruling by the Sharee'ah of Islaam is superior but ruling by other than what Allaah has revealed is permissible (jaa'iz).' Such a one is a disbeliever in the sense of major disbelief.
- 4) The one who says: 'I rule by this' while he believes that ruling by other than what Allaah has revealed is not permissible and who says that 'the Sharee'ah of Islaam is superior and it is not permissible to rule by other than it' but he is neglectful, or treats matters lightly, or does this action due to a reason which proceeds from his rulers, then he is a disbeliever in the sense of minor disbelief which does not eject from the religion - and it is considered one of the greatest of major sins."

(Al-Hukmu bi-Ghairi Maa Anzalallaahu wa Usool ut-Takfeer p. 71/72)

As for his viewpoint that adhering to the tafseel of the Salaf, until even when a ruler judges in most instances, in his state, by the secular laws, then in that issue he is upon the viewpoint of the three Imaams of our times. And this is in agreement with the saying of Shaikh Saalih al-Fawzaan in terms of the underlying principle, the only difference being that whereas Shaikh Salih al-Fawzaan considers that when a person rules by nothing but the secular laws in their entirety, this is indicative, in and of itself that the person is holding beliefs that necessitate kufr (i.e. that these laws he is judging by are superior and better). Whereas al-Anbari', following the likes of Imaam Ibn Baaz

Fawzaan's viewpoint. But the matter is not like that, as is clear to anyone who is not given to taqleed. As for the Qutubiyah and their likes, then to them, ruling by other than what Allaah has revealed is major kufr absolutely (just like kicking the Qur'aan and reviling Allaah etc.) and hence any attempt to restrict this act to Juhood OR Istihlaal OR I'tiqaad and to condition takfir upon these matters is Irjaa'. However, seeing that they can find support for what they are already upon, the Biased Partisans, utilised the words of Shaikh Salih al-Fawzaan and the Committee in order to hijack the scene, in a manner that was truly obscene. This was because prior to these incidents, they would actually accuse anyone who would not make takfir of the rulers in absolute terms to be Murji'ah. And it is mutawaatir from them that they would reject the verdicts of OUR scholars like Shaikh Fawzaan and others, on the matters of the groups of sects and innovation, the da'wah of Mohammad Suroor, Tawheed ul-Haakimiyyah, on refuting the Innovators, the bid'ah of al-Muwaazanah, Takfir, and many other affairs. In those days, it was known that they would belittle our scholars and call them "pawns" and "stooges" and so on. But now, it is political expediency, opportunism, and Machiavellian Machinations.

Hence, the accusation of Irjaa' is unfounded, and the verdict itself is an incorrect Ijtihaad on behalf of the Permanent Committee. The only ones who have actually benefited from this are the Qutubiyoon, Surooriyyoon and the biased, confused partisans, whose only concern is to make the Salafi manhaj and its adherents to fall, and to cause splits amongst Ahl us-Sunnah and their scholars. Beware of those Charlatans who have arisen, who are Qutubi Wolves, in sheeps' clothing – and they claim that they are defending the Permanent Committee and strengthening its position and defending its honour – whereas in reality, they are from the third group mentioned above, who are actually upon the manhaj of Sayyid Qutb, not the manhaj of the Salaf, and they wish to devour the Salafi youth in this manner. Because of the presence of the People of Desires who have another agenda and goal, which is Takfir, Khurooj, Activism and so on, this affair (i.e this verdict) became a source of great confusion and trial for many weak and unperceptive Salafis, when these Activists scavenged upon it and utilised it for their own ends. So not realising what is going on, they became confused and became less resolute and so wavered in doubt.

and others, does not hold this in absolute terms, and considers that this situation still falls within the tafseel of the Salaf, since whether he judged by one or a thousand laws that oppose the Sharee'ah, within his state, that does not indicate he views them better, absolutely, just like when a person consistently fornicates, takes usury and gambles, it does not necessitate that he considers these sins to be more virtuous than abandoning them.